

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**RYAN M. DEVINE and
HEATHER D. CRONKHITE,**

Defendant.

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8:06CR92

ORDER

This matter is before the court on the motion to continue by defendant Heather D. Cronkhite (Cronkhite) (Filing No. 34). Cronkhite seeks a continuance of the trial of this matter for at least thirty days. Cronkhite's counsel represents that counsel for the government has no objection to the motion. Cronkhite's counsel represents that Cronkhite will submit an affidavit in accordance with paragraph 9 of the progression order whereby Cronkhite consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted. Trial will be continued as to both defendants.

IT IS ORDERED:

1. Cronkhite's motion to continue trial (Filing No. 34) is granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **August 14, 2006**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 27, 2006 and August 14, 2006**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of June, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge